

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WANXIA LIAO,

Plaintiff,

v.

RONALD QUIDACHAY, et al.,

Defendants.

No. C 05-1888 CW

ORDER FOR
PLAINTIFF TO FILE
PROOF OF SERVICE

On October 12, 2005, this Court issued an order granting Defendants' motion to dismiss and denying Plaintiff's motions for a stay. See October 12, 2005 Order (Docket # 27). In this order, the Court granted Plaintiff leave to file a second amended complaint (SAC) within twenty days from the date of the Order. October 12, 2005 Order at 11. The Court stated, "If Plaintiff chooses to file an amended complaint, she must properly serve the SAC and summons on Defendants or ask Defendants to waive service. Fed. R. Civ. P. 4(c), (d)." Id.

On November 1, 2005, Plaintiff filed a SAC. To date, Defendants have not filed an answer. Because Plaintiff did not file proof of service of the SAC and summons or proof that she

1 asked Defendants to waive service, she may not have complied with
2 the Court's instructions to serve Defendants properly. Therefore,
3 within twenty days from the date of this order, Plaintiff must file
4 proof that she properly served Defendants or asked them to waive
5 service. If Plaintiff fails to file such proof, the SAC will be
6 dismissed for failure to prosecute.

7 Furthermore, under Rule 4(m) of the Federal Rules of Civil
8 Procedure, if Plaintiff did not serve the complaint within 120 days
9 after filing it, she must show good cause for failing to do so.
10 See F. R. Civ. P. 4(m). Also, if Plaintiff did ask Defendants for
11 a waiver, but they did not agree to it, then she must serve them in
12 the appropriate manner.

13 IT IS SO ORDERED.

14
15 Dated: 9/11/06



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LIAO et al,

Case Number: CV05-01888 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

QUIDACHAY et al,

Defendant. /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 11, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kay K. Yu
State Attorney General's Office
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102-3664

Wanxia Liao
7 Beatrice Street
Toronto, ON M6J 2T2

Dated: September 11, 2006

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk